

HOUSE BILL No. 4340

March 12, 2019, Introduced by Reps. Reilly, Slagh, Howell and LaFave and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40112 (MCL 324.40112), as amended by 2015 PA
12.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40112. (1) An individual shall not obstruct or interfere
2 in the lawful taking of animals or fish by another individual.

3 (2) An individual violates this section ~~when~~ **IF** the individual
4 intentionally or knowingly does any of the following:

5 (a) Drives or disturbs animals or fish for the purpose of
6 disrupting a lawful taking.

7 (b) Blocks, impedes, or harasses another individual who is
8 ~~engaged in the process of lawfully taking an animal or fish.~~

9 (c) Uses a natural or artificial visual, aural, olfactory,

1 gustatory, or physical stimulus or an unmanned vehicle or unmanned
2 device that uses aerodynamic forces to achieve flight or that
3 operates on the surface of the water or underwater, to affect
4 animal or fish behavior in order to hinder or prevent the lawful
5 taking of an animal or a fish.

6 (d) Erects barriers to deny ingress or egress to areas where
7 the lawful taking of animals or fish may occur. This subdivision
8 does not apply to an individual who erects barriers to prevent
9 trespassing on his or her property.

10 (e) Interjects himself or herself into the line of fire of an
11 individual lawfully taking wildlife.

12 (f) Affects the condition or placement of personal or public
13 property intended for use in the lawful taking of an animal or a
14 fish in order to impair the usefulness of the property or prevent
15 the use of the property.

16 (g) Enters or remains upon private lands without the
17 permission of the owner or the owner's agent, for the purpose of
18 violating this section.

19 **(H) PHOTOGRAPHS, VIDEOTAPES, AUDIOTAPES, OR OTHERWISE RECORDS**
20 **AN INDIVIDUAL WHO IS LAWFULLY TAKING AN ANIMAL OR FISH WITH THE**
21 **INTENT TO HARASS THAT INDIVIDUAL.**

22 **(I) ~~(h)~~**—Engages in any other act or behavior for the purpose
23 of violating this section.

24 (3) Upon petition of an aggrieved person or an individual who
25 reasonably may be aggrieved by a violation of this section, a court
26 of competent jurisdiction, upon a showing that an individual was
27 engaged in and threatens to continue to engage in illegal conduct

1 under this section, may enjoin that conduct.

2 (4) An individual who violates this section is guilty of a
3 misdemeanor punishable by imprisonment for not more than 93 days or
4 a fine of not less than \$500.00 or more than \$1,000.00, or both,
5 and the costs of prosecution. An individual who violates this
6 section a second or subsequent time is guilty of a misdemeanor
7 punishable by imprisonment for not more than 1 year or a fine of
8 not less than \$1,000.00 or more than \$2,500.00, or both, and the
9 costs of prosecution. In addition to the penalties provided for in
10 this subsection, any permit or license issued by the department
11 authorizing the individual to take animals or fish ~~shall~~**MUST** be
12 revoked. A prosecution under this section does not preclude
13 prosecution or other action under any other criminal or civil
14 statute.

15 (5) This section does not apply to a peace officer while the
16 peace officer performs his or her lawful duties.